

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Chambers of
STEVEN C. MANNION
United States Magistrate Judge

Martin Luther King Jr, Federal Bldg.
& U.S. Courthouse
50 Walnut Street
Newark, NJ 07102
(973) 645-3827

September 29, 2017

LETTER ORDER

Re: **Malibu Media, LLC v. John Doe subscriber assigned IP address 67.83.64.114**
Civil Action No. 17cv1271 (SDW)(SCM)

Dear Litigants:

This matter comes before the Court in connection with Plaintiff Malibu Media's Motion for Leave to Identify Defendant by Name.¹ Malibu Media received the John Doe Defendant's identifying information from the Defendant's internet service provider, Optimum Online, on May 31, 2017.² The Defendant has not been served in this case, and Malibu Media argues that any proposed summons "would include Defendant's true identity and be filed on the public docket."³ Malibu Media therefore seeks leave to "file an amended complaint to name the Defendant" and "to serve the named Defendant with the Amended Complaint."⁴

IT IS on this 29th day of September, 2017

ORDERED that, on or before October 6, 2017, Malibu Media shall send a copy of the its Motion for Leave to Identify the Defendant, as well as a copy of this Order, by overnight courier,

¹ (ECF Docket Entry No. ("D.E.") 10).

² (D.E. 8, Second Mot. for Ext., ¶¶2-3).

³ (D.E. 13, Fourth Mot. for Ext., ¶5).

⁴ (D.E. 10, 1-2).

to the Defendant at the address provided by Optimum Online. Malibu Media shall electronically file a Certification of Service, under seal, confirming compliance with this Order. That Certification of Service shall remain sealed pending resolution of the Motion for Leave to Identify Defendant by Name; and it is further

ORDERED that the Defendant may file a response to Malibu Media's motion on or before October 25, 2017. Any such response will not be deemed a waiver of any jurisdictional defenses. The Defendant is advised that if he/she fails to timely file such a response, the Court may grant Malibu Media's motion as unopposed.

IT IS SO ORDERED.



Steven C. Mannion
Honorable Steve Mannion, U.S.M.J.
United States District Court,
for the District of New Jersey
phone: 973-645-3827

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Original: Clerk of the Court
Hon. Susan D. Wigenton, U.S.D.J.
cc: All parties
File